



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 8093-99
3 April 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 7 May 1988 at age 18. The record shows that you received nonjudicial punishment on two occasions and were convicted by two summary courts-martial. Your offenses were four periods of unauthorized absence totaling about 32 days, missing ship's movement, two instances of disobedience, disorderly conduct and being incapacitated for duty.

Based on the foregoing record of misconduct you were processed for an administrative discharge due to a pattern of misconduct. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. Subsequently the command informed the discharge authority that you were alcohol dependent. On 12 January 1990 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. You were so discharged on 19 January 1990. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code. About two weeks later the discharge authority realized that you had not been offered an opportunity to attend a

Department of Veterans Affairs alcohol rehabilitation program prior to discharge. The discharge authority again directed a discharge under other than honorable conditions to be effective after completion of the rehabilitation program or your refusal to participate. Apparently, no action was taken on this directive because you had already been discharged.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention, in effect, that you were improperly denied participation in an alcohol rehabilitation program. You believe that if you had been offered such a program at an early date you could have successfully completed your enlistment.

The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given the frequency of your misconduct. The Board noted that one of your periods of unauthorized absence was for 27 days. An absence of this length lead the Board to believe that at some point during this period, you made a knowing decision to remain absent. The Board was aware that current regulations state that alcohol abuse is not an excuse for misconduct and disciplinary action is appropriate following alcohol related misconduct. In addition, the regulations do not preclude administrative discharge for misconduct of individuals who are alcohol dependent. The Board noted that an error was made when the discharge authority did not initially direct that you be offered an alcohol rehabilitation program prior to discharge. However, since a discharge under other than honorable conditions would still have been issued, the Board did not believe the error should result in a recharacterization of your discharge. The Board concluded that the discharge was proper as issued and no change is warranted.

Regulations require the assignment of an RE-4 reenlistment code when an individual is discharged because of misconduct. Since you have been treated no differently than others discharged for that reason, the Board could not find an error or injustice in the assignment of the RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval

record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director